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March 17, 2017

VIA E-MAIL TO SUPREME@COURTS.WA.GOV

Hon. Susan L. Carlson
Clerk, Washington Supreme Court
Temple of Justice
P.O. Box 40939
Olympia, WA 98504

Re: Proposed General Rule 36

Dear Justices of the Washington Supreme Court:

I write on behalf of the Latina/o Bar Association of Washington (“LBAW”) in support of Proposed General Rule 36.

LBAW’s purpose is to represent the concerns and goals of Latino attorneys and Latino people of the State of Washington. To that end, LBAW takes actions to promote the integrity of the judicial system and advocates for fairness and equality in the judicial system and the community at large.

After reviewing the proposed rule, our board unanimously voted to support it, and we respectfully ask that the Court adopt the rule. Although the proposed rule did not include gender as a category that would fall within the scope of the rule’s protection, we believe the Court should include gender within the scope of the rule as well.

As this Court has recognized, and as we believe numerous commentators have acknowledged as well, *Batson* simply does not work. The goal of course it to not allow a person’s race, or ethnicity or gender to play a part if a party is seeking to keep a person from serving on a jury. LBAW is all too aware of how both explicit, and unconscious, bias works in numerous settings against Latinas and Latinos. Those same biases are present in the courtroom and during the voir dire process. The test for preventing these biases to become part of the jury selection process must be changed. We believe proposed GR 36 (with gender added as a protected category)

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accomplishes the goal protecting against both explicit, and implicit, bias coming into play during jury selection.

We strongly urge this Court to take action and adopt GR 36.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David A. Perez".

David A. Perez
Immediate Past President

DAP

cc: Aimee Sutton, President

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, March 17, 2017 2:02 PM
To: Tracy, Mary
Subject: FW: Latina/o Bar Association of Washington -- Letter in Support of GR 36
Attachments: 2017-03-17, LBAW Ltr to WA Supremes re Batson Rule.pdf

Here it is Mary

Supreme Court Clerk's Office

From: Perez, David A. (Perkins Coie) [mailto:DPerez@perkinscoie.com]
Sent: Friday, March 17, 2017 12:56 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Aimee Sutton (sutton.aimee@gmail.com) <sutton.aimee@gmail.com>
Subject: Latina/o Bar Association of Washington -- Letter in Support of GR 36

Dear Clerk,

Attached please find a letter from the Latina/o Bar Association of Washington, urging the Court to adopt the proposed change to GR 36.

Best,

David

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